

# CALIFORNIA STATE BOARD OF EDUCATION

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Joe Nuñez, Vice President

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Susan Hammer  
Nancy Ichinaga  
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Suzanne Tacheny  
Vacancy

*Secretary & Executive Officer*  
Hon. Jack O'Connell

*Executive Director*  
Richard W. Brandsma

# AGENDA

January 8-9, 2003

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## SCHEDULE OF MEETINGS

## LOCATION

Wednesday, January 8, 2003

9:00 a.m. ±

STATE BOARD OF EDUCATION

Closed Session – IF NECESSARY

(The public may not attend.)

California Department of Education

1430 N Street, Room 1101

Sacramento, California

(916) 319-0827

The Closed Session (1) may commence earlier than 9:00 a.m.; (2) may begin at or before 9:00 a.m., be recessed, and then be reconvened later in the day; or (3) may commence later than 9:00 a.m.

## CLOSED SESSION AGENDA

Under *Government Code* section 11126(e)(1), the State Board of Education hereby provides public notice that some or all of the pending litigation which follows will be considered and acted upon, as necessary and appropriate, in closed session:

- *Amy v. California Dept. of Education, et al.*, Los Angeles County Superior Court, Case No. 99CV2644LSP
- *Boyd, et al. v. State of California, et al.*, Sacramento County Superior Court, Case No. 01CS00136
- *Brian Ho, et al. v. San Francisco Unified School District, et al.*, United States District Court, Northern District of California, Case No. C-94-2418 WHO
- *California Association of Private Special Education Schools, et al. v. California Department of Education, et al.*, Los Angeles County Superior Court, Case No. BC272983
- *California Department of Education, et al. v. San Francisco Unified School District, et al.*, San Francisco Superior Court, Case No. 994049 and cross-complaint and cross-petition for writ of mandate and related actions
- *California State Board of Education v. Delaine Eastin, the Superintendent of Public Instruction for the State of California*, Sacramento County Superior Court, Case No. 97CS02991 and related appeal
- *Campbell Union High School District. et al. v. State Board of Education et al.*, Sacramento Superior Court, Case No. 99CS00570
- *Chapman, et al. v. California Department of Education, et al.*, United States District Court, Northern District of California, Case No. C-01-1780 BZ
- *City Council of the City of Folsom v. State Board of Education*, Sacramento County Superior Court, Case No. 96-CS00954

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# California State Board of Education

## AGENDA ..... January 8-9, 2003

- *Coalition for Locally Accountable School Systems v. State Board of Education*, Sacramento County Superior Court, Case No. 96-CS00939
- *Comité de Padres de Familia v. Honig*, Sacramento County Superior Court, Case No. 281124; 192 Cal.App.3d 528 (1987)
- *Crawford v. Honig*, United States District Court, Northern District of California, C-89-0014 DLJ
- *CTA, et al. v. Wilson*, United States District Court, Central District of California, Case No. 98-9694 ER (CWx) and related appeal
- *Daniel, et al v. State of California, et al.*, Los Angeles Superior Court, Case No. B C214156.
- *Donald Urista, et al. v. Torrance Unified School District, et al.*, United States District Court, Central District of California, Case No. 97-6300 ABC
- *Educational Ideas, Inc. v. State of California, et al.*, Sacramento Superior Court, Case No. 00CS00798
- *Emma C. et al. v. Delaine Eastin et al.*, United States District Court, Northern District of California, Case No. C 96 4179
- *Ephorm, et al., v. California Board of Education, et al.*, Los Angeles Superior Court, Case No. TC013485
- *Larry P. v. Riles*, 495 F.Supp 926 (N.D. Ca. 1979) aff'd in part, rev'd in part, 793 F.2d 969 (9th Cir. 1986)
- *Maria Quiroz, et al. v. State Board of Education, et al.*, Sacramento County Superior Court, Case No. 97CS01793 and related appeal
- *Maureen Burch, et al. v. California State Board of Education*, Los Angeles County Superior Court, Case No. BS034463 and related appeal
- *McNeil v. State Board of Education*, San Mateo County Superior Court, Case No. 395185
- *Meinsen et al. v. Grossmont Unified School District et al.*, C 96 1804 S LSP, U.S. District Court, Southern District of California (pending)
- *Ocean View School District, et al. v SBE, et al.*, Superior Court of San Francisco, Case No. CGC-02-406738
- *Porter, et al., v. Manhattan Beach Unified School District, et al.*, United States District Court, Central District, Case No. CV-00-08402.
- *Roxanne Serna, et al., v. Delaine Eastin, State Superintendent of Public Instruction, et al.*, Los Angeles County Superior Court, Case No. BC174282
- *San Francisco NAACP v. San Francisco Unified School District, et al.*, United States District Court, Northern district of California, Case No. 78-1445 WHO
- *San Mateo-Foster City School District, et al., v. State Board of Education*, San Mateo County Superior Court, Case No. 387127
- *San Rafael Elementary School District v. State Board of Education, et. al.*, Sacramento Superior Court, Case No. 98-CS01503 and related appeal
- *Shevtsov v. California Department of Education*, United States District Court, Central District of California, Case No. CV 97-6483 IH (CT)
- *Valeria G., et al. v. Wilson, et al.*, United States District Court, Northern District of California, Case No. C-98-2252-CAL; *Angel V. v. Davis*, Ninth Circuit No. 01-15219
- *Wilkins, et al., v. California Board of Education, et al.*, Los Angeles Superior Court, Case No. TC014071
- *Williams, et al. v. State of California, et al.*; San Francisco Superior Court, Case No. 312236.
- *Wilson, et al. v. State Board of Education, et al.*; Los Angeles Superior Court, Case No. BC254081

Under *Government Code* section 11126(e)(2), the State Board of Education hereby provides public notice that it may meet in closed session to determine whether, based on existing facts and circumstances, any matter presents a significant exposure to litigation [see *Government Code* section 11126(e)(2)(B)(ii)] and, if so, to proceed with closed session consideration and action on that matter, as necessary and appropriate [see *Government Code* section 11126(e)(2)(B)(i)]; or, based on existing facts and circumstances, if it has decided to initiate or is deciding whether to initiate litigation [see *Government Code* section 11126(e)(2)(C)].

Under *Government Code* section 11126(c)(14), the State Board of Education hereby provides public notice that it may meet in closed session to review and discuss the actual content of pupil achievement tests (including, but not limited to, the High School Exit Exam) that have been submitted for State Board approval and/or approved by the State Board.

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California State Board of Education

AGENDA ..... January 8-9, 2003

Under *Government Code* section 11126(a), the State Board of Education hereby provides public notice that it may meet in closed session regarding the appointment, employment, evaluation of performance, or dismissal of employees exempt from civil service under Article VII, Section 4(e) of the California Constitution.

Wednesday, January 8, 2003

9:00 a.m. ± (Upon Adjournment of Closed Session, if held)

STATE BOARD OF EDUCATION

Public Session

California Department of Education

1430 N Street, Room 1101

Sacramento, California

(916) 319-0827

Please see the detailed agenda for more information about the items to be considered and acted upon. The public is welcome.

Thursday, January 9, 2003

8:00 a.m. ±

STATE BOARD OF EDUCATION

Closed Session – IF NECESSARY

(The public may not attend.)

California Department of Education

1430 N Street, Room 1101

Sacramento, California

(916) 319-0827

Please see Closed Session Agenda above. The Closed Session (1) may commence earlier than 8:00 a.m.; (2) may begin at or before 8:00 a.m., be recessed, and then be reconvened later in the day; or (3) may commence later than 8:00 a.m.

Thursday, January 9, 2003

8:00 a.m. ± (Upon Adjournment of Closed Session, if held)

STATE BOARD OF EDUCATION

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ALL TIMES ARE APPROXIMATE AND ARE PROVIDED FOR CONVENIENCE ONLY  
ALL ITEMS MAY BE RE-ORDERED TO BE HEARD ON ANY DAY OF THE NOTICED MEETING  
THE ORDER OF BUSINESS MAY BE CHANGED WITHOUT NOTICE

Persons wishing to address the State Board of Education on a subject to be considered at this meeting, including any matter that may be designated for public hearing, are asked to notify the State Board of Education Office (see telephone/fax numbers below) by noon of the third working day before the scheduled meeting/hearing, stating the subject they wish to address, the organization they represent (if any), and the nature of their testimony. Time is set aside for individuals so desiring to speak on any topic NOT otherwise on the agenda (please see the detailed agenda for the Public Session). In all cases, the presiding officer reserves the right to impose time limits on presentations as may be necessary to ensure that the agenda is completed.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973* and the *Americans with Disabilities Act of 1990*, any individual with a disability who requires reasonable accommodation to attend or participate in a meeting or function of the California State Board of Education (SBE), may request assistance by contacting the SBE Office, 1430 N Street, Room 5111, P.O. Box 944272, Sacramento, CA, 94244-2720; telephone, (916) 319-0827; fax, (916) 319-0176.

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CALIFORNIA STATE BOARD OF EDUCATION

FULL BOARD  
Public Session  
AGENDA

January 8-9, 2003

**Wednesday, January 8, 2003 – 9:00 a.m.± (Upon adjournment of Closed Session if held)**

California Department of Education, 1430 N Street, Room 1101, Sacramento, California

Call to Order

Salute to the Flag

Approval of Minutes (December 2002 Meetings)

Announcements

Communications

REPORT OF THE SUPERINTENDENT (May be held over to the Thursday session)

SPECIAL PRESENTATIONS

Public notice is hereby given that special presentations for informational purposes may take place during this session.

ITEM 1	STATE BOARD PROJECTS AND PRIORITIES. Including, but not limited to, future meeting plans; agenda items; State Board office budget; staffing, appointments, and direction to staff; nomination of State Board officers; declaratory and commendatory resolutions; update on litigation; bylaw review and revision; review of the status of State Board-approved charter schools as necessary; and other matters of interest.	INFORMATION ACTION
ITEM 2	PUBLIC COMMENT. Public Comment is invited on any matter <u>not</u> included on the printed agenda. Depending on the number of individuals wishing to address the State Board, the presiding officer may establish specific time limits on presentations.	INFORMATION
ITEM 3	No Child Left Behind (NCLB) Accountability Plan.	INFORMATION ACTION
ITEM 4	No child Left Behind (NCLB) Act, including but not limited to, Update on NCLB and Reading First Implementation.	INFORMATION ACTION

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ITEM 5	Revisions in the 2002 Base Academic Performance Index (API).	INFORMATION ACTION
ITEM 6	Standardized Testing and Reporting (STAR) Program: Including, but not limited to, Approval of Performance Standards (Levels) for the California Integrated Science Standards Tests.	INFORMATION ACTION
ITEM 7	California High School Exit Examination (CAHSEE): Including, but not limited to, CAHSEE Program Update.	INFORMATION ACTION
ITEM 8	California English Language Development Test (CELDT): Including, but not limited to, CELDT Program Update.	INFORMATION ACTION

## \*\*\*RECOGNITION CEREMONIES\*\*\*

Ceremonies to recognize the 2002-2003 United States Senate Youth delegates and alternates and the 2003 California Teachers of the Year. The ceremonies will begin at approximately 11:15 a.m.

ITEM 9	United States Senate Youth Presentation.	INFORMATION
ITEM 10	California Teachers of the Year (TOY) 2003.	INFORMATION

## \*\*\* END OF RECOGNITION CEREMONIES\*\*\*

ITEM 11	Draft Evaluation Criteria for K-8 History-Social Science Adoption of Instructional Materials.	INFORMATION ACTION
ITEM 12	High Priority Schools Grant Program Implementation Grant Awards.	INFORMATION ACTION
ITEM 13	Implementation of the AB 466 Mathematics and Reading Professional Development Program (Chapter 737, Statutes of 2001): Including, but not limited to, Approval of Training Providers and Training Curricula.	INFORMATION ACTION

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ITEM 14	Approval of Local Educational Agencies (LEAs) and Consortia applications for funding under AB 75, The Principal Training Program.	INFORMATION ACTION
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**ADJOURNMENT OF DAY'S SESSION**

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**Thursday, January 9, 2003 – 8:00 a.m. ± (Upon Adjournment of Closed Session, if held)**

California Department of Education, 1430 N Street, Room 1101, Sacramento, California

REPORT OF THE SUPERINTENDENT (unless presented on the preceding day)

## SPECIAL PRESENTATIONS

Public notice is hereby given that special presentations for informational purposes may take place during this session.

## ITEMS DEFERRED FROM PRECEDING DAY

Any matters deferred from the previous day's session may be considered.

The State Board of Education will also consider and take action as appropriate on the following agenda items:

ITEM 15	Assignment of Numbers for Charter School Petitions.	INFORMATION ACTION
ITEM 16	2002-03 (and beyond) determination of funding requests from charter schools pursuant to Senate Bill 740 (Chapter 892, Statutes of 2001), specifically Education Code Sections 47612.5 and 47634.2.	INFORMATION ACTION
ITEM 17	Funding approval to provide 1) professional development courses in nutrition and food service management including instruction on the School Meals Initiative menu planning systems for child nutrition personnel employed in schools and child care centers; 2) professional development and technical assistance to school teachers through regional school garden resource centers; and 3) grants to local educational agencies for garden-enhanced nutrition education to build skills and motivate children to make healthy food choices using Fiscal Year 2002-2003 state nutrition educational funds.	INFORMATION ACTION
ITEM 18	Appointments to Curriculum Development and Supplemental Materials Commission, Advisory Commission on Special Education, and Child Nutrition Advisory Council.	INFORMATION ACTION

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ITEM 19	Appointment of one deputy and three associate superintendents (exempt positions) in accordance with Article IX, Section 2.1, of the Constitution of the State of California.	ACTION
ITEM 20	Legislative Update: Including, but not limited to, information on committee appointments and legislation.	INFORMATION
ITEM 21	Approval of 2002-2003 Consolidated Applications.	ACTION

### WAIVER REQUESTS

#### CONSENT MATTERS

The following agenda items include waivers and other administrative matters that California Department of Education (CDE) staff have identified as having no opposition and presenting no new or unusual issues requiring the State Board's attention.

#### CARL PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT OF 1998

ITEM WC-1	Request by Sherman Indian High School for a renewal of a waiver of <i>Section 131(d)(1)</i> of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332) CDSIS-5-11-2002 (Recommended for APPROVAL)	ACTION
ITEM WC-2	Request by Waterford Unified School District for a renewal of a waiver of <i>Section 131(d)(1)</i> of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332) CDSIS-15-11-2002 (Recommended for APPROVAL)	ACTION

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CHARTER SCHOOL ATTENDANCE

ITEM WC-3	Request by the Learning Community Charter School under the authority of Education Code Section 33054 to waive Title 5 CCR Section 11960, related to charter school attendance for Heatherstone School Site for Four Winds School Site. CDSIS-16-10-2002 (Recommended for APPROVAL WITH CONDITIONS) <i>E.C. 33051(c)</i> will apply	ACTION
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HIGH SCHOOL EXIT EXAMINATION (special education students)

ITEM WC-4	Request by Glendora School District to waive <i>Education Code</i> Section 60851 (a), “the requirement to successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school” for one special education student #063. CDSIS-17-10-2002 (Recommended for APPROVAL)	ACTION
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ITEM WC-5	Request by Glenn County Office of Education to waive <i>Education Code</i> Section 60851 (a), “the requirement to successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school” for two special education students #064 and #065. CDSIS-20-10-2002 (Recommended for APPROVAL)	ACTION
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ITEM WC-6	Request by Julian School District to waive <i>Education Code</i> Section 60851 (a), “the requirement to successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school” for one special education student #066. CDSIS-1-11-2002 (Recommended for APPROVAL)	ACTION
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ITEM WC-7	Request by Fremont School District to waive <i>Education Code</i> Section 60851 (a), “the requirement to successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school” for one special education student #067. CDSIS-2-11-2002 (Recommended for APPROVAL)	ACTION
ITEM WC-8	Request by Poway SELPA to waive <i>Education Code</i> Section 60851 (a), “the requirement to successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school” for four special education students #069, #070, #071, and #072. CDSIS-6-11-2002 (Recommended for APPROVAL)	ACTION
ITEM WC-9	Request by Placentia Yorba Linda School District to waive <i>Education Code</i> Section 60851 (a), “the requirement to successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school” for one special education student #074. CDSIS-8-11-2002 (Recommended for APPROVAL)	ACTION
ITEM WC-10	Request by Nevada School District to waive <i>Education Code</i> Section 60851 (a), “the requirement to successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school” for three special education students #076, #077, and #078. CDSIS-9-11-2002 (Recommended for APPROVAL)	ACTION
ITEM WC-11	Request by Moorpark School District to waive <i>Education Code</i> Section 60851 (a), “the requirement to successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school” for four special education students #080, #081, #083 and #084. CDSIS-13-11-2002 (Recommended for APPROVAL)	ACTION

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INSTRUCTIONAL MATERIALS SUFFICIENCY (Audit Findings)

ITEM WC-12	Request by Old Adobe Union School District for a retroactive waiver of <i>Education Code</i> (EC) Section 60119 regarding Annual Public Hearing on the availability of textbooks or instructional materials. This district has an audit finding for the 2001-2002 fiscal year that they failed to properly notice (10 days) the public hearing. CDSIS-19-11-2002 (Recommended for APPROVAL)	ACTION
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MILLER-UNRUH READING SPECIALIST

ITEM WC-13	Request by Riverside Unified School District to waive <i>Education Code</i> Section 52859(b). This request is related to the prohibition of using funds coordinated under the School-Based Coordinated Program (SBCP) to pay for the local share of costs associated with the employment of a Miller-Unruh Reading Specialist. CDSIS-10-11-2002 (Recommended for APPROVAL)	ACTION
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REGIONAL OCCUPATIONAL PROGRAMS

ITEM WC-14	Request by Lassen County Office of Education for the Regional Occupational Program to waive <i>Education Code</i> Section 52314.6(a) regarding the 3% limit enrollment of students under the age of 16, in the Regional Occupational Program (ROP) CDSIS-21-10-2002 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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RESOURCE SPECIALIST

ITEM WC-15	Request by Fortuna Union High School District to waive <i>Education Code</i> (EC) Section 56362(c), which allows the district to exceed the maximum caseload of 28 students (but not more than 32) for each Resource Specialist, Kathlee Teague and Carol Argyle assigned at Fortuna Union High School. CDSIS-7-11-2002 (Recommended for APPROVAL)	ACTION
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SATURDAY SCHOOL STATE MEAL MANDATE

ITEM WC-16	Renewal request by Pixley Union School District to waive <i>Education Code</i> Section 49550, for 2002/03, 2003/04, and 2004/05 state fiscal years for the Saturday school program. CDSIS-19-10-2002 (Recommended for APPROVAL) <i>E.C.</i> 33051(c) will apply	ACTION
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## NON-CONSENT (ACTION)

The following agenda items include waivers and other administrative matters that CDE staff have identified as having opposition, being recommended for denial, or presenting new or unusual issues that should be considered by the State Board. On a case by case basis public testimony may be considered regarding the item, subject to the limits set by the Board President or the President's designee; and action different from that recommended by CDE staff may be taken.

FEDERAL SUPPLEMENTAL SERVICES

ITEM W-1	Request by districts for a waiver of NCLB, Title I, Part A, Section 1116(e), the requirement to provide "supplemental services" to eligible students. CDSIS—To be determined (Recommended for)	ACTION
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ACADEMIC PERFORMANCE INDEX (adult testing irregularities)

ITEM W-2	Alhambra Schools District (ASD) Academic Performance Index (API Waiver). Specifically, the ASD requests a waiver of Title 5 CCR Section 1032(d)(1) and (3) to allow Mark Keppel High School to be included in the API for the current year (2002) or at least in the subsequent year (2003). The district had "adult testing irregularities." CDSIS-39-7-2002 (Recommended for DENIAL per <i>Education Code</i> Section 33051(a) (1), the educational needs of the pupils are not adequately addressed.	ACTION
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## COMMUNITY DAY COLLOCATION

ITEM W-3	Request by Cotati-Rhonert Park Unified School District for a waiver of <i>Education Code</i> Section 48661(a) relating to the placement of a community day school on the same site as two continuation high schools, an independent study center, and an adult education center at the new relocated site (Alternative Education Center at Richard Crane site). CDSIS-18-11-2002 (Recommended for APPROVAL) <i>E.C.</i> 33051(c) will apply	ACTION
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## EQUITY LENGTH OF TIME

ITEM W-4	Request by Dublin Unified School District to waive <i>Education Code</i> (EC) Section 37202, the equity length of time requirement for third grade students at Dougherty and Dublin Elementary Schools, to unstagger their third grade classes in order that all students in their classes can attend a longer school day (45 minutes per day). CDSIS-14-10-2002 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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## INSTRUCTIONAL MATERIALS FUND (IMF) PETITION REQUEST

ITEM W-5	Petition request under <i>Education Code</i> Section 60200 (g) by Sonoma County Office of Education to purchase nonadopted Instructional Resources for “special education students” using Instructional Materials Fund (IMF) monies. (List attached) CDSIS-22-10-2002 (Recommended for APPROVAL)	ACTION
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## SALE AND LEASE SURPLUS PROPERTY

ITEM W-6	Sale/Lease of Surplus Real Property: Waiver of Property Bid and Offer Procedures for the Maintenance and Transportation Yard owned by the Huntington Beach Union High School District. CDSIS-16-11-2002 (Recommended for APPROVAL) <i>E.C.</i> 33051(c) will apply	ACTION
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For more information concerning this agenda, please contact Richard W. Brandsma, Executive Director of the California State Board of Education, or Deborah Franklin, Education Policy Consultant, at 1430 N Street, Room 5111, Sacramento, CA, 95814; P.O. Box 944272, Sacramento, CA, 94244-2720; telephone (916) 319-0827; fax (916) 319-0176. To be added to the speaker’s list, please fax or mail your written request to the above-referenced address/fax number. **This agenda is posted on the State Board of Education’s website: [www.cde.ca.gov/board](http://www.cde.ca.gov/board).**

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**SCHIFF-BUSTAMANTE STANDARDS-BASED INSTRUCTIONAL MATERIALS**

ITEM W-7	General waiver request of <i>Education Code</i> Sections 60450 (b) and 60451(b) – Schiff-Bustamante Standards-Based Instructional Materials Program by Woodside Elementary School District to purchase nonadopted Instructional Resources ( <i>FOSS, Grades K-5, California Edition</i> ) using Schiff-Bustamante Funds. CDSIS-12-10-2002 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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**SCHOOL SITE COUNCIL**

ITEM W-8	Request by Lassen View Union Elementary School District to renew a waiver of Education Code Section 52852, allowing one joint school site council to function for two small rural schools. CDSIS-21-11-2002 (Recommended for APPROVAL)	ACTION
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**END OF WAIVER REQUESTS**

ITEM 22	Revision to the <i>California State Plan (1999-2004) for the Workforce Investment Act, Title II: Adult Education and Family Literacy Act</i> (revised May 30, 2002).	INFORMATION
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ITEM 23	Proposed Additions and Amendments to Title 5, CCR, Regulations Relating to Special Education.	INFORMATION ACTION
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ITEM 24	Permanent Regulations Regarding Claims for Average Daily Attendance for Pupils Over the Age of 19 by Charter Schools and Charter Granting Entities.	INFORMATION ACTION
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ITEM 25	Monitoring and Evaluation of Supplemental Educational Services Providers for No Child Left Behind Act of 2001	INFORMATION ACTION
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**ADJOURNMENT OF MEETING**


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